

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DAVID-WILLIAM COTTON, )  
                                )  
                                )  
Plaintiff,                 )  
                                )  
                                )  
v.                            )  
                                )  
                                )  
STATE OF NORTH CAROLINA    )  
FIDUCIARY TRUSTEE, et al.,    )  
                                )  
                                )  
Defendants.                 )

1:17-CV-3

**ORDER**

The Order and Recommendation of the United States Magistrate Judge was filed in accordance with 28 U.S.C. § 636(b), Doc. 2, and was served on the plaintiff, David-William Cotton. Mr. Cotton objected to the Recommendation. Docs. 7, 8.

The Court has reviewed the portions of the Magistrate Judge's report to which objection was made. The Court has made a de novo determination that as to the defendants Judge Archie L. Smith, III, Judge Beecher R. Gray, Stephanie Reams, and Deneen Barrier, the complaint fails to state a claim on which relief may be granted because these defendants are entitled to judicial immunity.

Mr. Cotton contends that judicial immunity does not apply because the judicial officers lacked jurisdiction. Doc. 7 at 4. However, he does not explain why these particular judicial officers lacked jurisdiction. Rather, he simply argues that the judicial officers did not handle his case correctly in state court. *Id.* at 6-7. As it is clear that the alleged constitutional violations asserted in the complaint arose from the judicial

actions of these officials, judicial immunity applies. *See* Doc. 5 at 2-3 (collecting authorities).

While the reference to 28 U.S.C. § 1915(a) in the Recommendation was error, that error was harmless as the complaint is appropriately reviewed at this stage under 28 U.S.C. § 1915(e)(2). *See* Doc. 1 (application to proceed in forma pauperis.)

The Court adopts the Magistrate Judge's Recommendation.

**IT IS THEREFORE ORDERED** that this action is **DISMISSED** against the defendants Judge Archie L. Smith, III, Judge Beecher R. Gray, Stephanie Reams, and Deneen Barrier.

This the 7th day of June, 2017.



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UNITED STATES DISTRICT JUDGE